

**IN THE CLAIMS:**

Please AMEND claim 26 as follows:

A1

26. An apparatus for illuminating a license plate of a vehicle, comprising:  
a plurality of light emitting diodes mounted to a substrate;  
a plurality of reflector segments, each reflector segment corresponding to one of the plurality of light emitting diodes;  
a housing substantially enclosing the plurality of light emitting diodes and the plurality of reflector segments; and,  
wherein each reflector segment redirects light projected by the corresponding one of the plurality of light emitting diodes through a window in the housing toward the license plate, the reflector segments being configured to substantially uniformly illuminate the license plate.

**REMARKS**

Reconsideration of the present application as amended is respectfully requested.

At the end of the present amendment and response is a page presenting a marked up version of any changes made to this application. This page is captioned "MARKED UP VERSION OF CLAIMS PURSUANT TO 37 CFR 1.121."

Paragraph 2 on page 2 of the Office Action of March 22, 2002 rejects claims 1-6, 10-11, 16-20, 24-28 and 33 under 35 U.S. 102(b) as being anticipated by U.S. Patent No. 5,934,798 to Roller et al. Paragraph 2 on page 3 of the Office Action of March 22, 2002 rejects claims 7-9, 12, 15, 22, 23, 29 and 30 as being unpatentable under 35 U.S. 103(a) over the '798 to Roller et al. and further in view of U.S. Patent No. 4,868,723 to Kobayashi. Paragraph 3 on pages 3-4 of the Office Action of March 22, 2002 rejects claims 14, 21, 31 and 32 as being unpatentable under 35 U.S. 103(a) over the '798 to Roller et al. and further in view of U.S. Patent No. 6,095,663 to Pond et al.

It is well settled that the Commissioner, through the Examiner, bears the initial duty of supplying the factual basis supporting a rejection of a patent application, including a rejection under 35 U.S.C. § 102. See, *In re Warner* 154 USPQ 173, 177 (C.C.P.A 1967). Not only does a

rejection founded under 35 U.S.C. § 102 "require[s] the disclosure in a single prior art reference of each element of the claim under consideration" (See, W.L. Gore and Assocs. Inc. v. Garlock, 220 USPQ 303, 313 (Fed. Cir. 1983)) but it further requires that "each and every element of the claimed invention, [must be] arranged as in the claim." See, Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984). "The identical invention must be shown in as complete detail as contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully submits that the Office Action of March 22, 2002 has failed to meet this initial duty with respect to any of the pending independent claims, claims 1, 16, 26 and 33. The reasons for this failure are set forth below.

Independent claim 1 was rejected under 35 U.S.C. 102(b) based on the '798 patent to Roller et al. At a minimum, the '798 to Roller et al. does not disclose the claimed reflector "having a surface geometry for redirecting the light through a window in the housing such that it substantially uniformly illuminates the license plate." At best, the only reflector disclosed is a "reflector standard in the art." ('798 to Roller et al., Column 2, line 7). Thus the disclosed reflector does not contain the surface geometry required by independent claim 1. The stated purpose of the reflector of the '798 patent to Roller et al. is merely to "be used over the LED lamp body to conceal the circuit board and to enhance the light output." ('798 to Roller et al., Column 2, lines 5-7). Instead of disclosing the reflector with the surface geometry required by claim 1, the reflector disclosed in the '798 to Roller et al. is disclosed in combination with a lens, as repeatedly noted throughout the specification of the '798 patent to Roller et al., for example:

The lens may also have optical surfaces to control the direction of the light as required by applicable industry standards. (Column 2, lines 9-11)

The lens may be equipped with optics on one or both surfaces to control the light distribution as required by applicable industry standards. (Column 2, lines 19-21)

Claims 2-15 are dependent on independent claim 1 or a claim dependent thereon. Thus, dependent claims 2-15 are respectfully submitted to be allowable, for at least the reason that they are dependent upon allowable independent claim 1.

Independent claim 16 was rejected under 35 U.S.C. 102(b) based on the '798 patent to Roller et al. At a minimum, the '798 patent to Roller et al. does not disclose the claimed "curved free form reflector." The only reflector disclosed in the '798 to Roller et al. is a flat

reflector (see FIGs. 5 and 6). Claims 17-25 are dependent on independent claim 16 or a claim dependent thereon. Thus, dependent claims 17-25 are respectfully submitted to be allowable, for at least the reason that they are dependent upon allowable independent claim 16.

Independent claim 26 was rejected under 35 U.S.C. 102(b) based on the '798 patent to Roller et al. Nowhere does the Office Action of March 22, 2002 point to where the '798 patent to Roller et al. discloses the claimed "plurality of reflector segments, each reflector segment corresponding to one of the plurality of light emitting diodes. . . wherein each reflector segment redirects light projected by the corresponding one of the plurality of light emitting diodes." Applicant has nonetheless amended independent claim 26 to further distinguish independent claim 26 from the '798 to Roller et al. by adding the language that the reflector segments are configured to substantially uniformly illuminate the license plate. Claims 27-32 are dependent on independent claim 26 or a claim dependent thereon. Thus, dependent claims 27-32 are respectfully submitted to be allowable, for at least the reason that they are dependent upon allowable independent claim 26.

Independent claim 33 was rejected under 35 U.S.C. 102(b) based on the '798 patent to Roller et al. The '798 patent to Roller et al. does not disclose an LED "directed substantially away from the vehicle," as is required by independent claim 33. Instead, as is apparent from Figures 1 and 3 of the '798 patent to Roller et al., the array of LED lamps disclosed are directed substantially at the vehicle. Additionally, the '798 patent to Roller et al. does not disclose the required element of claim 33 of a "lensless means." Instead, as noted above with respect to independent claim 1, the LED license lamp of the '798 patent to Roller et al. requires a lens:

The lens may also have optical surfaces to control the direction of the light as required by applicable industry standards. (Column 2, lines 9-11)

Also, there are a pair of tracks 24 to accept lens 20. The lens may be equipped with optics on one or both surfaces to control the light distribution as required by applicable industry standards. (Column 2, lines 18-21)

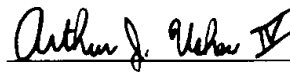
Thus, it is readily apparent that the '798 patent teaches away from the idea of a lensless system.

It is believed that the above discussion amply demonstrates the failure of the Office Action of March 22, 2002 to properly meet the PTO's initial duty of supplying the factual basis supporting a rejection of a patent application, including a rejection under 35 U.S.C. § 102. For this reason the rejections of various dependent claims under 35 U.S.C. § 103 are not addressed here. To preclude the necessity at a later date, however, Applicants note their profound

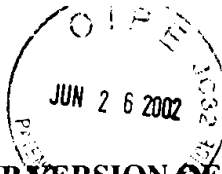
disagreement with the statement in paragraph 2 on page 3 of the March 22, 2002 Office Action that "Kobayashi discloses that the apparatus does not include a lens (See Fig. 5 and Fig. 6)." The apparatus disclosed in the '723 to Kobayashi would be ineffective without the use of a lens. Figure 6 clearly shows a stepped lens 8, and figure 5 is a partial view meant to show only the shape of the reflector. ('723 to Kobayashi column 2, line 37: "FIG. 5 is a perspective view of a reflector.")). The text of the patent clearly indicates that a lens is always used in conjunction with the reflector described. See for example '723 to Kobayashi: column 1, lines 8-23; column 2, lines 56-60; column 3, lines 26-27.

In view of the foregoing, it is believed that claims 1-33 are in condition for allowance. Reconsideration of the present application as amended is respectfully requested. Timely action toward a Notice of Allowability is hereby solicited. The Examiner is encouraged to contact the undersigned by telephone to resolve any outstanding matters concerning the present application.

Respectfully submitted:



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**MARKED UP VERSION OF CLAIMS**  
**PURSUANT TO 37 CFR 1.121**

27. An apparatus for illuminating a license plate of a vehicle, comprising:  
a plurality of light emitting diodes mounted to a substrate;  
a plurality of reflector segments, each reflector segment corresponding to one of the plurality of light emitting diodes;  
a housing substantially enclosing the plurality of light emitting diodes and the plurality of reflector segments; and,  
wherein each reflector segment redirects light projected by the corresponding one of the plurality of light emitting diodes through a window in the housing toward the license plate, the reflector segments being configured to substantially uniformly illuminate the license plate.

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